

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOMINICK VOLINO et al.,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	21 Civ. 6243 (LGS)
	:	
PROGRESSIVE CASUALTY INSURANCE CO.	:	<u>ORDER</u>
et al.,	:	
	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, the parties filed requests for leave to file under seal their respective motions for summary judgment, Rule 56.1 statements of material fact and various accompanying exhibits. The stated reason is that the parties designated these items confidential or highly confidential;

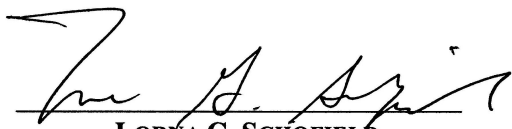
WHEREAS, "[t]he common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.");

WHEREAS, the parties' confidentiality designations are not dispositive of whether the public's right of access to judicial documents overcomes competing considerations, such as the need to protect competitively sensitive information. It is hereby

ORDERED that the parties' requests are DENIED without prejudice to renewal. The parties may refile their requests to seal by **July 14, 2023**, with an explanation of the basis for the request that is sufficient under Second Circuit case law.

The Clerk of Court is respectfully directed to close the motions at Dkt. Nos. 241 and 249. The Clerk of Court is respectfully directed to maintain all currently sealed documents under seal pending possible renewed motions to seal by the parties.

Dated: June 30, 2023
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE